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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: CAPACITORS  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO  
ALL ACTIONS

Master File No. 3:14-cv-03264-JD

**STIPULATED [PROPOSED]  
AMENDMENT TO PROTECTIVE  
ORDER ON CONFIDENTIALITY**

WHEREAS attorneys for the United States, which is an intervener in this matter, have requested that the party plaintiffs and party defendants stipulate to an amendment to the Stipulated Protective Order regarding confidentiality that the Court approved on February 17, 2015, Dkt. 563;

WHEREAS attorneys for the United States, the party plaintiffs, and the party defendants have agreed to the following language as an amendment to be appended to the current end of section 8 of the Stipulated Protective Order of February 17, 2015, Dkt. 563:

Notwithstanding the above provisions of this section 8 and of other provisions of this order, any Receiving Party in the possession of Disclosure or Discovery Material from a Producing Party that is a party to this matter, whether or not it is Protected Material or filed under seal, may produce it to a federal grand jury in this district, upon a representation by a

1 USDOJ Antitrust Division attorney that such material will be treated in accordance with a  
 2 standard Antitrust Division confidentiality letter. See, *e.g.*, 28 C.F.R. Section 16.7. See also  
 3 Rule 6(e), Fed. R. Crim. P. The Receiving Party does not need to delay production to the grand  
 4 jury pending a determination by the Court or comply with the above provisions of section 8(a) –  
 5 (c).

6 While the United States is an intervener in this action, the United States and the grand  
 7 jury are Non-Parties under the applicable definitions in this order. Their receipt of Disclosure or  
 8 Discovery Material does not make them Receiving Parties as here defined.

9 Also, notwithstanding other provisions of this order, USDOJ Antitrust Division attorneys  
 10 may purchase from the respective court reporter, to the same extent as Parties to the action,  
 11 unredacted transcripts and associated exhibits of depositions or other pretrial or trial proceedings,  
 12 whether or not such transcripts or exhibits contain Protected Material, are under seal, or relate to  
 13 *in camera* proceedings.

14 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

15  
 16 Dated: September 14, 2016

UNITED STATES

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1 I attest that concurrence in the filing of this document has been obtained from each of the other  
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5  
6 PURSUANT TO STIPULATION, IT IS SO ORDERED.

7  
8 DATED: \_\_\_\_\_

\_\_\_\_\_  
The Honorable James Donato  
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